

REMARKS

Claims 1-50 are pending in this application. By this Amendment, seven pages of replacement sheets are provided in order to submit formal drawings.

The Office Action requests that applicants furnish formal drawings. Applicants submit that they previously filed formal drawings on April 13, 2001. However, in order to further prosecution, applicants are again submitting these formal drawings as replacement sheets.

The Office Action rejects claims 1-50 under 35 U.S.C. §103(a) over U.S. Patent 5,864,860 to Holmes in view of U.S. Patent 6,535,925 to Svanbro et al. (hereafter Svanbro). The rejection is respectfully traversed.

The present application claims priority under 35 U.S.C. §119(e) from U.S. Provisional Application No. 60/211,986, filed June 16, 2000. In contrast, the Svanbro patent has a U.S. filing date of September 26, 2000, which is subsequent to the provisional application filing date of the present application. Applicants submit that the presently rejected claims are supported by the provisional application.

The Office Action relies on a combination of Holmes and the Svanbro patent to reject the pending claims. The rejection based on the Svanbro patent should be withdrawn since the Svanbro patent is not prior art to the claims of the present application. The Office Action therefore fails to make a prima facie case of obviousness. Withdrawal of the rejection is respectfully requested.

The application that matured into the Svanbro patent appears to claim priority from U.S. Provisional Application No. 60/164,355-filed on November 9, 1999 (hereafter the Svanbro provisional application). The filing date of the Svanbro

provisional application appears to be prior to the provisional application filing date of the present application. Therefore, should the Patent Office desire to make a rejection based on the Svanbro provisional application, then the Patent Office needs to provide a copy of the Svanbro provisional application and provide a rejection based on the Svanbro provisional application so that applicants may review the disclosure of the Svanbro provisional application. Because the Svanbro provisional application was not supplied with this Office Action, the next Office Action should not be a final rejection should the Patent Office assert a combination of Holmes and the Svanbro provisional application.

Even though the outstanding rejection of Holmes in view of the Svanbro patent should be withdrawn for the reasons set forth above, applicants will provide the following arguments in order to further prosecution. These arguments are not believed to be necessary and are therefore provided merely for the Examiner's consideration.

Holmes describes comparing a data item in a current field of a current record with a data item of a corresponding field of a preceding record. If a match occurs, then the current data item may be replaced by a token indicating the match. See the Abstract. Therefore, Holmes discloses that a token is provided when an item is identical. Holmes relates to structure data (such as headers) but not lists or the encoding of differences. Further, Holmes relates to determining and encoding a match. Holmes does not teach or suggest determining and encoding any difference. Additionally, Holmes does not teach or suggest the addition, removals or change of an item. Therefore, while the Office Action relies on the combination of the two

references, it is clear that Holmes does not teach or suggest all the features of the independent claims for at least the reasons set forth in the Office Action and at least because of the reasons set forth above. That is, Holmes does not teach or suggest comparing a current item list with a reference item list and determining a type of classification based on the comparing as recited in independent claim 1. For at least similar reasons, Holmes does not teach or suggest the features recited in independent claims 19, 32 and 40. Additionally, Holmes does not relate to determining a difference between a current item list and a reference item list as set forth in dependent claim 2 (and similarly recited in each of dependent claims 21, 33 and 42).

Still further, the Svanbro patent, even though it is not prior art to the claims of the present application, does not teach or suggest the alleged features recited at least in claims 5-8 and 11-13. For example, dependent claim 5 recites encoding the information includes encoding information regarding a position of a newly added item to the reference item list. Dependent claim 6 recites encoding the information includes encoding information regarding which item in the reference item list is not in the current item list. Still further, dependent claim 7 recites encoding information includes encoding information regarding content of at least one item in the reference item list. Still further, dependent claim 8 recites that the encoding information includes a combination of two features (as set forth in dependent claim 8). The Svanbro patent, which is not prior art to the claims of the present application, is concerned with the time stamp field. This is a well defined field unlike a list as in the present application. That is, the time stamp field may have a single, specific value

that cannot be compared to a list having unrestricted values. As such, the Svanbro patent does not teach or suggest all the features recited in claims 5-8 (and similarly recited in claims 26-28 and 45-48).

Additionally, dependent claim 11 recites that the difference is encoded within the compressed list based on the determined type of classification. Dependent claim 12 recites that the information further includes a type of encoding. Still further, dependent claim 13 recites that the type includes one of an insertion encoding scheme, a removal encoding scheme and a content change encoding scheme. For at least the reasons set forth above, the Svanbro patent does not teach or suggest these features of dependent claims 11-13 (and similarly recited features in dependent claims 23, 29, 35 and 44).

For at least the reasons set forth above, it is respectfully submitted that each of claims 1-50 define patentable subject matter. Withdrawal of the outstanding rejection is respectfully requested.

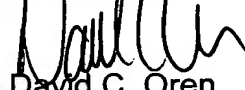
CONCLUSION

In view of the foregoing, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-50 are respectfully requested.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the

deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing case no. 0172.39133X00).

Respectfully submitted,



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